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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

WESTERN WATERSHEDS PROJECT,
 Plaintiff,

v.

DOUG BURGUM, in his capacity as
 Secretary of the Interior,¹; U.S. FISH AND
 WILDLIFE SERVICE; and CLARK COUNTY,
 NEVADA,

Defendants.

Case No: 2:23-cv-02009-GMN-EJY

~~PROPOSED~~ STIPULATION AND
ORDER TO PERMIT CLARK
COUNTY TO FILE AN AMICUS
BRIEF

Pursuant to discussions in a meet-and-confer conference held between the parties on or around April 3, 2025, on a scheduling order and discovery plan in this matter, Federal Defendants U.S. FISH AND WILDLIFE SERVICE and Doug Burgum, in his official capacity as Secretary of the Interior (hereinafter collectively “Federal Defendants”), by and through their counsel of record Devon Lea Flanagan, Esq. of the U.S. Department of Justice, former Defendant CLARK COUNTY, by and through its counsel of record, Joel K. Browning, Esq. of the Clark County District Attorney’s Office, and Plaintiff WESTERN WATERSHEDS

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Secretary of the Interior Doug Burgum is automatically substituted in this action for his predecessor in office, Debra Haaland.

1 PROJECT, by and through its counsel of record, Jaimie Park, Esq. of Western Watersheds
2 Project, do hereby stipulate and agree as follows:

3 Whereas the only cause of action alleged against former Defendant CLARK COUNTY
4 was dismissed by Order [ECF No. 62] of the Court on or around March 25, 2025;

5 Whereas the Court's Order [ECF No. 62] did not identify what role, if any, CLARK
6 COUNTY would play in the remaining litigation;

7 Whereas Plaintiff's remaining cause of action in this matter involves a matter of public
8 interest which will impact the interests and rights of CLARK COUNTY;

9 Whereas the continued participation of CLARK COUNTY will supplement the efforts
10 of the parties and draw the court's attention to matters of local concern. *Miller-Wohl Co. v.*
11 *Comm'r of Lab. & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982);

12 Whereas neither the Federal Rules of Civil Procedure nor the Local Rules of the United
13 States District Court for the District of Nevada cover amicus curiae procedures for district
14 court actions. *Elias v. Wynn Las Vegas, LLC*, No. 2:23-CV-02111-ART-BNW, 2025 WL
15 489982, at *1 (D. Nev. Feb. 13, 2025).

16 Whereas the district courts have looked to FRAP 29 for guidance when considering
17 amici requests. *See, e.g., Earth Island Inst. v. Nash*, No. 1:19-cv-01420-DAD-SAB, 2019 WL
18 6790682, at *1 (E.D. Cal. Dec. 12, 2019);

19 Whereas FRAP 29 provides that an amicus curiae brief may be filed with leave of the
20 court or if all parties consent. FRAP 29(a)(2);

21 Whereas Federal Defendants do not oppose CLARK COUNTY filing an amicus brief
22 in this matter; and

23 Whereas Plaintiff WESTERN WATERSHEDS PROJECT has consented to CLARK
24 COUNTY filing an amicus brief in this matter on the same briefing schedule as the Federal
25 Defendants.

26 Based on the foregoing, and in the interests of judicial economy, the Parties do hereby
27 consent to the Court permitting CLARK COUNTY to file an amicus brief in this matter
28 according to the same briefing schedule as the Federal Defendants.

1 It is hereby STIPULATED.

2 DATED this 8th day of April, 2025.

3 STEVEN B. WOLFSON
4 DISTRICT ATTORNEY

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28 *and U.S. Fish and Wildlife Service*

WESTERN WATERSHEDS PROJECT

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11-1(b)(2)

Attorneys for Plaintiff

23 **IT IS SO ORDERED** this 9th day of April, 2025.

24 
25 UNITED STATES MAGISTRATE JUDGE
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